

# HOUSE JOURNAL

---

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

---

## PROCEEDINGS

SIXTIETH DAY — MONDAY, MAY 2, 2005

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 450).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

The invocation was offered by Scott Sager, pastor, Preston Road Church of Christ, Dallas.

The speaker recognized Representative Branch who led the house in the pledges of allegiance to the United States and Texas flags.

### **REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Nixon and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative R. Cook who presented Dr. Robert Youens of Weimar as the "Doctor for the Day."

The house welcomed Dr. Youens and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

**LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of the birth of his daughter Andrea:

Herrero on motion of Leibowitz.

The following member was granted leave of absence for the remainder of today because of important business in the district:

J. Davis on motion of Griggs.

(Paxton in the chair)

**HR 959 - READ  
(by Wong and Hopson)**

The chair laid out and had read the following previously adopted resolution:

**HR 959**, In memory of Elnora Mayeux Callegari of Cottonport, Louisiana.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Wong who introduced the family of Elnora Mayeux Callegari.

**MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

**INTRODUCTION OF GUESTS**

The chair recognized Representative Martinez who introduced Heriberto "Herbie" Lopez, member of the Tejano R.O.O.T.S. Hall of Fame, and his family.

**HR 1413 - ADOPTED  
(by Zedler)**

Representative Zedler moved to suspend all necessary rules to take up and consider at this time **HR 1413**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1413**, Honoring the members of Girl Scout Troop 3540 from Tarrant County on their visit to the State Capitol.

**HR 1413** was read and was adopted.

**HR 1225 - READ  
(by Giddings)**

The chair laid out and had read the following previously adopted resolution:

**HR 1225**, Congratulating "Insights" on the occasion of its 25th anniversary.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Giddings who introduced Rochelle Brown, Joseph Bell, and Shaun Rabb, from the Dallas-based television program "Insights."

**HR 1225 - MOTION TO ADD NAMES**

On motion of Representative Hodge, the names of all the members of the house were added to **HR 1225** as signers thereof.

**HR 1418 - ADOPTED**  
**(by Swinford)**

Representative Swinford moved to suspend all necessary rules to take up and consider at this time **HR 1418**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1418**, Honoring David Regan McCoy of Dallas on his 50th birthday.

**HR 1418** was read and was adopted.

**INTRODUCTION OF GUEST**

The chair recognized Representative Swinford who introduced David McCoy.

**HR 1251 - ADOPTED**  
**(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 1251**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1251**, Recognizing the Uncompromising Courage art exhibition held at the State Capitol on April 7-11, 2005.

**HR 1251** was read and was adopted.

**HR 1069 - READ**  
**(by Dutton)**

The chair laid out and had read the following previously adopted resolution:

**HR 1069**, Honoring Houston Astros great James Rodney "J. R." Richard.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Dutton who introduced former Houston Astro James Rodney "J.R." Richard and his friends David Drake, David Drake II, and Reverend Gerald Shanks.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 34).

**POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

**CSHB 2070 ON SECOND READING**  
**(by Rose and B. Cook)**

**CSHB 2070**, A bill to be entitled An Act relating to a landowner's liability for injuries incurred during certain recreational activities.

**CSHB 2070** was read second time on April 20 and was postponed until 10 a.m. today.

**CSHB 2070** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.) (The vote was reconsidered later today, and **CSHB 2070** was postponed until 10 a.m. May 6.)

**CSHB 634 ON SECOND READING**  
**(by Baxter, Rose, Branch, et al.)**

**CSHB 634**, A bill to be entitled An Act relating to requiring public officials to receive training in the requirements of the open meetings and public information laws.

**CSHB 634** was read second time on April 18, postponed until April 25, and was again postponed until 10 a.m. today.

Representative Baxter moved to postpone consideration of **CSHB 634** until 10 a.m. May 5.

The motion prevailed.

**CSHB 1900 ON SECOND READING**  
**(by Bonnen)**

**CSHB 1900**, A bill to be entitled An Act relating to the assessment and regulation of emissions events.

**CSHB 1900** was read second time on April 25, postponed until April 27, and was again postponed until 10 a.m. today.

(Speaker in the chair)

Representative Bonnen moved to postpone consideration of **CSHB 1900** until 10 a.m. tomorrow.

The motion prevailed.

**HB 3001 ON SECOND READING**  
**(by Morrison, et al.)**

**HB 3001**, A bill to be entitled An Act relating to the amount of the annual constitutional appropriation to certain agencies and institutions of higher education and to the allocation of those funds to those agencies and institutions.

**HB 3001** was read second time on April 27 and was postponed until 10 a.m. today.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative F. Brown offered the following committee amendment to **HB 3001**:

Amend **HB 3001** on page 3, lines 14 and 15 by striking the following: "(includes an allocation of \$1,000,000 for compliance with Texas Desegregation Plan)".

Amendment No. 1 was adopted.

**HB 3001**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 587 ON SECOND READING**  
**(by Rose, Guillen, Leibowitz, and Escobar)**

**HB 587**, A bill to be entitled An Act relating to the installment payment of ad valorem taxes by certain veterans.

**HB 587** was read second time on April 25, postponed until April 28, and was again postponed until 10 a.m. today.

Representative Rose moved to postpone consideration of **HB 587** until 10 a.m. tomorrow.

The motion prevailed.

**GENERAL STATE CALENDAR**  
**HOUSE BILLS**  
**THIRD READING**

The following bills were laid before the house and read third time:

**HB 2266 ON THIRD READING**  
**(by Baxter)**

**HB 2266**, A bill to be entitled An Act relating to the authority of municipalities to enact a requirement that establishes the sales price for certain housing units or residential lots.

**HB 2266** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Burnam and Leibowitz recorded voting no.)

(Madden in the chair)

**CONSTITUTIONAL AMENDMENTS CALENDAR**  
**HOUSE JOINT RESOLUTIONS**  
**SECOND READING**

The following resolutions were laid before the house and read second time:

**CSHJR 56 ON SECOND READING**  
(by Gattis)

**CSHJR 56**, A joint resolution proposing a constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.

Representative Gattis moved to postpone consideration of **CSHJR 56** until 10 a.m. May 6.

The motion prevailed.

**CSHJR 82 ON SECOND READING**  
(by Hughes)

**CSHJR 82**, A joint resolution proposing a constitutional amendment clearing land titles by relinquishing and releasing any state claim to sovereign ownership or title to interest in certain land.

Representative Hughes moved to postpone consideration of **CSHJR 82** until 10 a.m. May 9.

The motion prevailed.

**CONSTITUTIONAL AMENDMENTS CALENDAR**  
**SENATE JOINT RESOLUTIONS**  
**SECOND READING**

The following resolutions were laid before the house and read second time:

**CSSJR 7 ON SECOND READING**  
(Hochberg - House Sponsor)

**CSSJR 7**, A joint resolution proposing a constitutional amendment authorizing line-of-credit advances under a reverse mortgage.

A record vote was requested.

**CSSJR 7** was adopted by (Record 451): 142 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla;

Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Goodman; Madden(C).

Absent, Excused — Davis, J.; Herrero.

Absent — Eiland; McCall; Truitt.

(Speaker in the chair)

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

The following bills were laid before the house and read second time:

**CSHB 2833 ON SECOND READING  
(by R. Cook and B. Cook)**

**CSHB 2833**, A bill to be entitled An Act relating to the protection of private real property from regulatory takings.

Representative R. Cook moved to postpone consideration of **CSHB 2833** until 1 p.m. today.

The motion prevailed.

**CSHB 283 ON SECOND READING  
(by Hope, Goolsby, and Raymond)**

**CSHB 283**, A bill to be entitled An Act relating to the transfer of public school students who are the victims of bullying.

**Amendment No. 1**

Representative Raymond offered the following amendment to **CSHB 283**:

Amend **CSHB 283** by adding the following appropriately numbered sections to the bill and renumbering the subsequent sections accordingly:

SECTION \_\_\_\_\_. Section 37.006, Education Code, is amended by adding Subsection (o) to read as follows:

(o) In this subsection, "bullying" has the meaning assigned by Section 25.0341. A student shall be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 if the student, on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property, including while on a school bus or at a school bus stop, engages in bullying.

SECTION \_\_\_\_\_. This Act applies beginning with the 2005-2006 school year.

Representative Hope moved to table Amendment No. 1.

The motion to table prevailed.

**Amendment No. 2**

Representatives Keel and Dutton offered the following amendment to **CSHB 283**:

Amend **CSHB 283** by adding the following appropriately numbered section to the bill and renumbering the subsequent sections accordingly:

SECTION \_\_\_\_ . Section 25.001(b), Education Code, is amended to read as follows:

(b) The board of trustees of a school district or its designee shall admit into the public schools of the district free of tuition a person who is over five and younger than 21 years of age on the first day of September of the school year in which admission is sought if:

(1) the person and either parent of the person reside in the school district;

(2) the person does not reside in the school district but a parent of the person resides in the school district and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the person;

(3) the person and the person's guardian or other person having lawful control of the person under a court order reside within the school district;

(4) the person has established a separate residence under Subsection (d);

(5) the person is homeless, as defined by 42 U.S.C. Section 11302, regardless of the residence of the person, of either parent of the person, or of the person's guardian or other person having lawful control of the person;

(6) the person is a foreign exchange student placed with a host family that resides in the school district by a nationally recognized foreign exchange program, unless the school district has applied for and been granted a waiver by the commissioner under Subsection (e);

(7) the person resides at a residential facility located in the district; ~~[or]~~

(8) the person resides in the school district and is 18 years of age or older or the person's disabilities of minority have been removed; or

(9) the person does not reside in the school district but the grandparent of the person:

(A) resides in the school district; and

(B) provides a substantial amount of after-school care for the person as determined by the board.

Amendment No. 2 was adopted.

**CSHB 283**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 1095 ON SECOND READING**  
**(by Menendez)**

**CSHB 1095**, A bill to be entitled An Act relating to the offense of harassment by persons in certain correctional facilities and to creating the offense of harassment of public servant.

**CSHB 1095** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1426 ON SECOND READING**  
**(by Anderson)**

**HB 1426**, A bill to be entitled An Act relating to the confidentiality of certain information in a rabies vaccination certificate.

**HB 1426** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 1172 ON SECOND READING**  
**(by F. Brown)**

**CSHB 1172**, A bill to be entitled An Act relating to the tuition charged to resident undergraduate students of institutions of higher education for excess credit hours and to related formula funding.

**Amendment No. 1**

Representative Gonzales offered the following amendment to **CSHB 1172**:

Amend **CSHB 1172** (House committee printing) as follows:

- (1) On page 1, line 15, strike "115" and substitute "120".
- (2) On page 2, line 22, strike "115" and substitute "120".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative F. Brown offered the following amendment to **CSHB 1172**:

Amend **CSHB 1172** (house committee report) as follows:

(1) On page 2, line 14, strike "Subsection (f)" and substitute "Subsections (f) and (g)".

(2) On page 3, between lines 17 and 18, insert a new Subsection (g) to read as follows:

(g) To the extent practicable, the savings to the state resulting from the exclusion of funding for excess undergraduate semester credit hours from the funding formulas of the board as required by this section shall be used to finance the Toward Excellence, Access, & Success (TEXAS) grant program under Subchapter M, Chapter 56.

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Gallego offered the following amendment to **CSHB 1172**:

Amend **CSHB 1172** (House committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Sections 54.0513(a) and (b), Education Code, are amended to read as follows:

(a) In addition to amounts that a governing board of an institution of higher education is authorized to charge as tuition under the other provisions of this chapter, the governing board [~~under the terms the governing board considers appropriate,~~] may charge any student for an academic period an amount designated as tuition not to exceed the amount charged to the student under Section 54.051 or 54.0512, as applicable, for that academic period [~~that the governing board considers necessary for the effective operation of the institution~~].

(b) Subject to the limit provided by Subsection (a) on the amount designated as tuition charged under this section, a [A] governing board may set a different tuition rate under this section for each program and course level offered by each institution of higher education [~~A governing board may set a different tuition rate~~] as the governing board considers appropriate to increase graduation rates, encourage efficient use of facilities, ~~or~~ enhance employee performance, or further another legitimate purpose of the institution.

SECTION \_\_\_\_\_. Sections 54.0515 (e) and (f), Education Code, are amended to read as follows:

(e) It is the legislature's intent that each institution of higher education [~~as a condition to tuition deregulation under Section 54.0513,~~] reasonably implement the following:

(1) each institution shall make satisfactory progress towards the goals provided in its master plan for higher education and in "Closing the Gaps," the state's master plan for higher education; and

(2) each institution shall meet acceptable performance criteria, including measures such as graduation rates, retention rates, enrollment growth, educational quality, efforts to enhance minority participation, opportunities for financial aid, and affordability.

(f) The committee shall:

(1) meet at the call of either chair;

(2) monitor and regularly report to the legislature on each institution of higher education's compliance with the requirements of Subsection (e); and

(3) receive and review information concerning the affordability and accessibility of higher education [~~including the impact of tuition deregulation~~].

SECTION \_\_\_\_\_. Subchapter B, Chapter 56, Education Code, is repealed.

SECTION \_\_\_\_\_. (a) The changes in law made by this Act in amending Sections 54.0513 and 54.0515, Education Code, apply beginning with tuition charged by an institution of higher education for the 2005–2006 academic year. Tuition charged by an institution of higher education in an academic year before that academic year is covered by the law in effect before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) Tuition set aside under Subchapter B, Chapter 56, Education Code, before the 2005-2006 academic year that was not used as provided by that subchapter before that academic year shall be used as provided by that subchapter as it existed immediately before the effective date of this Act, and that subchapter is continued in effect for that purpose.

### **Amendment No. 3 - Point of Order**

Representative Grusendorf raised a point of order against further consideration of Amendment No. 3 under Rule 11, Section 3 of the House Rules on the grounds that the amendment changes the original purpose of the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 3.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today because of important business:

Baxter on motion of Solomons.

### **CSHB 1172 - (consideration continued)**

**CSHB 1172**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Menendez and Riddle recorded voting no.)

### **HB 2241 ON SECOND READING (by Callegari)**

**HB 2241**, A bill to be entitled An Act relating to the authority of certain municipalities to require a contract between a municipal utility district and the municipality before the district issues obligations.

**HB 2241** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Public Health, upon lunch recess today, Desk 39, for a formal meeting, to consider pending legislation.

Elections, upon lunch recess today, Desk 58, for a formal meeting, to consider pending business.

Culture, Recreation, and Tourism, upon lunch recess today, Desk 66, for a formal meeting, to consider pending business.

County Affairs, upon lunch recess today, Desk 1, for a formal meeting, to consider pending business.

Border and International Affairs, upon lunch recess today, Desk 75, for a formal meeting, to consider pending business.

### **FIVE DAY POSTING RULE SUSPENDED**

Representative Swinford moved to suspend the five day posting rule to allow the Committee on State Affairs to consider **HB 2264** and other posted bills at 2 p.m. or upon final adjournment today in E2.010.

The motion prevailed.

### **RECESS**

At 11:44 a.m., the speaker announced that the house would stand recessed until 1 p.m. today.

### **AFTERNOON SESSION**

The house met at 1 p.m. and was called to order by the speaker.

### **POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

#### **HB 1396 ON SECOND READING**

**(by Zedler)**

**HB 1396**, A bill to be entitled An Act relating to a pilot program for language interpreter services under the medical assistance program.

**HB 1396** was read second time on April 19, postponed until April 25, and was again postponed until 1 p.m. today.

Representative Zedler moved to postpone consideration of **HB 1396** until 10 a.m. tomorrow.

The motion prevailed.

(P. King in the chair)

#### **CSHB 2833 ON SECOND READING**

**(by R. Cook and B. Cook)**

**CSHB 2833**, A bill to be entitled An Act relating to the protection of private real property from regulatory takings.

**CSHB 2833** was read second time earlier today and was postponed until 1 p.m. today.

(Baxter now present)

#### **Amendment No. 1**

Representatives R. Cook and Puente offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833** as follows:

(1) On page 2, line 5, between "(C)" and "a governmental action", insert "except as provided by Section 2007.003(g)".

(2) On page 7, between lines 23 and 24, insert the following:

(g) For the purposes of the definition of "taking" in Section 2007.002(5)(C), a home rule municipality with a population of more than 1.1 million that relies on a sole source aquifer for more than 50 percent of the municipality's water supply may elect, with respect to single family and duplex uses over an aquifer recharge zone within the municipality's corporate and extraterritorial jurisdiction, to define a taking as an action or series of actions by the municipality that has the effect of limiting the overall impervious cover of any development or use of an owner's private real property to not less than 30 percent of the surface area of the property, including any portion of the property that is within the 100-year floodplain as determined by the most recent maps published by the Federal Emergency Management Agency or that slopes more than 35 degrees.

### **Amendment No. 2**

Representative R. Cook offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 by R. Cook and Puente to **CSHB 2833** on page 1, line 20, by striking "degrees" and substituting "percent".

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

### **Amendment No. 3**

Representative R. Cook offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833** as follows:

(1) On page 3, line 8, between "proceedings," and "or", insert "plattng,".

(2) On page 9, line 8, strike "and (2)".

(3) On page 9, strike lines 10 and 11 and substitute the following:

SECTION 6. Section 2007.042, Government Code, is amended to read as follows:

(4) On page 9, line 12, before "(a)", insert "Sec. 2007.042. PUBLIC NOTICE."

(5) On page 9, line 13, strike "or (2)".

(6) On page 9, after line 27, insert the following:

(b) A state agency that proposes to engage in a governmental action described in Section 2007.003(a)(1) [~~or (2)~~] that may result in a taking shall:

(1) provide notice in the manner prescribed by Section 2001.023; and

(2) file with the secretary of state for publication in the Texas Register in the manner prescribed by Chapter 2002 a reasonably specific summary of the takings impact assessment that was prepared by the agency as required by this subchapter.

(7) On page 10, before line 1, insert the following appropriately numbered SECTION:

SECTION \_\_\_\_ . Section 2007.043(a), Government Code, is amended to read as follows:

(a) A governmental entity shall prepare a written takings impact assessment of a proposed governmental action described in Section 2007.003(a)(1) [~~through~~ (3)] that complies with the evaluation guidelines developed by the attorney general under Section 2007.041 before the governmental entity provides the public notice required under Section 2007.042.

(8) On page 10, line 12, strike "or (2)".

(9) On page 10, between lines 22 and 23, insert the following appropriately numbered SECTIONS:

SECTION \_\_\_\_. Section 2007.045, Government Code, is amended to read as follows:

Sec. 2007.045. UPDATING OF CERTAIN ASSESSMENTS REQUIRED. A state agency that proposes to adopt a governmental action described in Section 2007.003(a)(1) [~~or (2)~~] that may result in a taking as indicated by the takings impact assessment shall update the assessment if the action is not adopted before the 180th day after the date the notice is given as required by Section 2001.023.

SECTION \_\_\_\_. (a) The change in law made by this Act applies only to:

(1) a governmental action described by Section 2007.003(a)(1) or (2), Government Code, that commences on or after April 1, 2005; or

(2) a governmental action described by Section 2007.003(a)(3), Government Code, that commences on or after April 1, 2005, to enforce or implement any ordinance, rule, regulatory requirement, platting requirement, resolution, policy, guideline, or similar measure in effect on or after April 1, 2005.

(b) The change in law made by this Act may not be construed to create any claim or cause of action for:

(1) a governmental action described by Section 2007.003(a)(1) or (2), Government Code, that commences before April 1, 2005; or

(2) a governmental action described by Section 2007.003(a)(3), Government Code, that commences before April 1, 2005, to enforce or implement any ordinance, rule, regulatory requirement, platting requirement, resolution, policy, guideline, or similar measure in effect before April 1, 2005.

(10) Renumber SECTIONS of the bill appropriately.

Amendment No. 3 was adopted.

#### **Amendment No. 4**

Representative R. Cook offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833** as follows:

(1) On page 6, line 4, strike "or".

(2) On page 6, line 6, between "groundwater" and the period, insert the following:

; or

(7) an action taken by a municipality relating to the regulation of:

(A) sexually oriented businesses;

(B) the sale of fireworks;

(C) discharge of firearms;

(D) weeds or other unsanitary or unwholesome matter on public or private property;

(E) junked or abandoned vehicles;

(F) noise;

(G) alcohol, including hours of sale; or

(H) smoking in or on public or private property.

Amendment No. 4 was adopted.

#### **Amendment No. 5**

Representative R. Cook offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833** on page 2, line 11, by striking "35 percent" and substituting "35 degrees".

Amendment No. 5 was withdrawn.

#### **Amendment No. 6**

Representative Burnam offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833** (First Printing) by inserting the following appropriately-numbered SECTION and renumbering subsequent SECTIONS accordingly:

"SECTION \_\_\_\_ . Section 2007.024, Government Code is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) The judgment or final decision or order shall include a fact finding that determines, in accordance with Subsection (b-1), the monetary damages suffered by the private real property owner as a result of the taking. The amount of damages is determined from the date of the taking.

(b-1) If, on the date of the taking, the private real property is designated for and appraised at agricultural use under Chapter 23, Tax Code, the fact finding must deduct from the monetary damages suffered by the private real property owner as a result of the taking an amount equal to the difference of:

(1) the amount of taxes the owner paid based on the agricultural use appraisal of the private real property; and

(2) the amount of taxes the owner would have paid if the private real property has been appraised at its current market value.

The fact finding shall perform this calculation separately for each of the five calendar years prior to the date of the taking for which the property was appraised for agricultural use."

#### **CSHB 2833 - POINT OF ORDER**

Representative Rodriguez raised a point of order against further consideration of **CSHB 2833** under Rule 4, Section 32(c) of the House Rules on the grounds that a section number cited in the bill analysis is incorrect.

(Speaker in the chair)

The speaker sustained the point of order, speaking as follows:

Representative Rodriguez raises a point of order against further consideration of **CSHB 2833** under Rule 4, Section 32(c), in that the bill analysis for the bill was incorrect and misleading.

The chair has reviewed the bill and the bill analysis. The bill analysis describing Section 7 of the bill incorrectly states and describes the section of Government Code added by the bill.

Additionally, the bill analysis describing Sections 3 and 4 of the bill incorrectly states and describes the types of lawsuits affected by the bill.

Because of these errors in the bill analysis, the point of order is well-taken and sustained.

The ruling precluded further consideration of **CSHB 2833**.

**GENERAL STATE CALENDAR**  
(consideration continued)  
**CSHB 159 ON SECOND READING**  
(by Talton)

**CSHB 159**, A bill to be entitled An Act relating to expenditures of funds by a political subdivision to advertise a referendum.

**Amendment No. 1**

Representative Talton offered the following amendment to **CSHB 159**:

Amend **CSHB 159** as follows:

(1) On page 1, line 7, strike "POLITICAL SUBDIVISION" and substitute "SCHOOL DISTRICT".

(2) On page 1, on lines 8 and 9, strike "and "political subdivision" have the meanings" and substitute "has the meaning".

(3) On page 1, line 11, strike "political subdivision" and substitute "school district".

(4) On page 1, line 17, strike ", a municipal charter".

Amendment No. 1 was adopted.

**CSHB 159**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Anchia, Menendez, and Villarreal recorded voting no.)

**SB 446 ON SECOND READING**  
(Martinez - House Sponsor)

**SB 446**, A bill to be entitled An Act relating to the reduction in value or expiration of a stored value card.

**SB 446** was considered in lieu of **HB 255**.

**Amendment No. 1**

Representative Martinez offered the following amendment to **SB 446**:

Amend **SB 446** (Senate Engrossed Version) as follows:

(1) In SECTION 1 of the bill (page 1, line 22), between "loyalty," and "or", insert "incentive, rebate,".

(2) In SECTION 1 of the bill (page 2, line 9), strike "or".

(3) In SECTION 1 of the bill (page 2, line 11), strike "at the time of purchase" and substitute "a fee described in Subsection (d); or".

(4) In SECTION 1 of the bill (page 2, between lines 11 and 12), add the following new subsection (6):

(6) "is issued by an air carrier holding a certificate of public convenience and necessity under Title 49 U.S.C."

(5) In SECTION 1 of the bill (page 2, line 19), between "card" and "and" insert the following: ", a reasonable access fee for a card transaction conducted at an unmanned teller machine, as defined by Section 59.301, Finance Code,".

(6) In SECTION 1 of the bill (page 3, lines 3-6), strike "A disclosure must be legibly printed on the retail packaging for the stored value card or on a posted notice accompanying the sales display."

(7) In SECTION 1 of the bill (page 3, between lines 11 and 12), add the following new subsection (g):

(g) This section does not create a cause of action against a person who issues or sells a stored value card.

(8) In SECTION 3 of the bill (page 4, line 17), strike "A" and substitute "If the", (page 4, line 18), strike "shall" and substitute "does not", (page 4 lines 20-21), strike ". In the absence of an address record".

(9) In SECTION 3 of the bill (page 5, between lines 2 and 3), add the following new subsection (f):

(f) This section does not create a cause of action against a person who issues or sells a stored value card.

Amendment No. 1 was adopted.

**SB 446**, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **HB 255 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Martinez moved to lay **HB 255** on the table subject to call.

The motion prevailed.

### **CSHB 664 ON SECOND READING**

**(by Isett, et al.)**

**CSHB 664**, A bill to be entitled An Act relating to consideration of a bidder's principal place of business in awarding certain municipal and school district contracts.

**CSHB 664** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 681 ON SECOND READING****(by Gattis)**

**HB 681**, A bill to be entitled An Act relating to the forfeiture of good conduct time from inmates who file frivolous applications for writ of habeas corpus.

Representative Gattis moved to postpone consideration of **HB 681** until 10 a.m. May 4.

The motion prevailed.

**HB 1249 ON SECOND READING****(by Reyna)**

**HB 1249**, A bill to be entitled An Act relating to criminal punishment for aggressive driving that results in the death of a person.

**HB 1249** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1048 ON SECOND READING****(by Chisum)**

**HB 1048**, A bill to be entitled An Act relating to the forfeiture of contraband used or intended to be used in the commission of certain criminal offenses.

**HB 1048** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 2405 ON SECOND READING****(by Keel)**

**HB 2405**, A bill to be entitled An Act relating to prohibiting a person not entitled to receive an early voting ballot by mail from casting that ballot; providing a criminal penalty.

**Amendment No. 1**

Representatives Keel and Hodge offered the following amendment to **HB 2405**:

Amend **HB 2405** by striking added Section 84.001(g), Election Code (committee printing page 1, lines 13-16), and substituting the following:

(g) A person commits an offense if, with the intent that an unlawful ballot be cast, the person directs the return of a marked early voting ballot by mail as provided by Section 86.006 with the knowledge that the ballot is from a voter who is not entitled to receive an early voting ballot to be voted by mail. An offense under this subsection is a Class C misdemeanor.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative J. Jones offered the following amendment to **HB 2405**:

Amend **HB 2405** by adding the following appropriately numbered section and by renumbering the remaining sections as appropriate:

SECTION \_\_\_\_ . Section 86.002, Election Code, is amended by adding Subsection (h) to read as follows:

(h) The clerk shall include with the balloting materials a notice in a form prescribed by the secretary of state:

(1) informing the voter of the categories of persons who are eligible to vote by mail; and

(2) stating that the voter should not cast the ballot unless the voter or a person authorized by this code to assist the voter requested the ballot.

Amendment No. 2 was adopted.

**HB 2405**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Leibowitz, Menendez, and Rose recorded voting no.)

**CSHB 1579 ON SECOND READING**

**(by Kolkhorst, Eiland, Griggs, T. Smith, Berman, et al.)**

**CSHB 1579**, A bill to be entitled An Act relating to eligibility for benefits of and reports concerning certain retired members of the Teacher Retirement System of Texas; imposing a penalty.

**Amendment No. 1**

Representatives Chisum and Kolkhorst offered the following amendment to **CSHB 1579**:

Amend **CSHB 1579** on page 4 between lines 26 and 27 by inserting the following:

(f) This section does not prevent an employer and a retiree from negotiating and entering into a contract that allows both parties to contribute to the amounts the employer must contribute to the retirement system under Subsections (b) and (c).

Amendment No. 1 was adopted.

**CSHB 1579**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 1899 ON SECOND READING**

**(by Bonnen)**

**CSHB 1899**, A bill to be entitled An Act relating to the regulation and permitting of a commercial industrial solid waste facility connected to a publicly owned treatment works facility.

Representative Bonnen moved to postpone consideration of **CSHB 1899** until 10 a.m. May 5.

The motion prevailed.

**CSHB 1662 ON SECOND READING**  
**(by Gattis and Hopson)**

**CSHB 1662**, A bill to be entitled An Act relating to the eligibility of a criminal defendant for release from jail after a delay in prosecution.

Representative Gattis moved to postpone consideration of **CSHB 1662** until 10 a.m. May 6.

The motion prevailed.

**HB 2623 ON SECOND READING**  
**(by Phillips and R. Cook)**

**HB 2623**, A bill to be entitled An Act relating to the distribution by the Texas Department of Transportation of certain assistance for the repair and maintenance of county roads.

**HB 2623** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 3115 ON SECOND READING**  
**(by Corte)**

**CSHB 3115**, A bill to be entitled An Act relating to certain homeland security activities, including the operation of the Critical Infrastructure Protection Council by the office of the governor.

**Amendment No. 1**

Representative Rose offered the following amendment to **CSHB 3115**:

Amend **CSHB 3115** as follows:

(1) On page 3, lines 12-13, strike "and (3)" and insert the following:

(3) for each of the following sectors of the state, one representative of a state agency, one county-level representative, one municipal-level representative, and one representative of a private organization or entity, each appointed by the governor:

- (A) law enforcement;
- (B) emergency management;
- (C) first responders; and
- (D) fire fighters; and

(4)

(2) On page 4, strike lines 1-14 and substitute the following:

(G) ports and maritime industries [~~(7) Department of Public Safety of the State of Texas~~];

(H) environment and water [~~(8) division of emergency management of the office of the governor~~];

(I) transportation [~~(9) Texas National Guard~~]; and  
(J) border issues [~~(10) Texas Commission on Environmental  
Quality~~];  
[~~(11) Railroad Commission of Texas~~];  
[~~(12) Texas Strategic Military Planning Commission~~; and]  
[~~(13) Texas Department of Transportation~~].

Amendment No. 1 was adopted.

**CSHB 3115**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 3460 ON SECOND READING**  
**(by Baxter)**

**CSHB 3460**, A bill to be entitled An Act relating to the interest rate to be paid on the deposits made by customers of a water, electric, gas, or telephone utility.

(Rose in the chair)

**CSHB 3460** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Leibowitz recorded voting no.)

(Speaker in the chair)

**CSHB 1235 ON SECOND READING**  
**(by Paxton)**

**CSHB 1235**, A bill to be entitled An Act relating to the notice required for a sale of real property under a contract lien.

**CSHB 1235** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1919 ON SECOND READING**  
**(by R. Allen)**

**HB 1919**, A bill to be entitled An Act relating to notice in certain real property transactions concerning public improvement districts.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Elkins, Representative R. Allen offered the following committee amendment to **HB 1919**:

Amend **HB 1919** as follows:

(2) On Page 3, Line 24, strike "September 1, 2005" and substitute "January 1, 2006."

Amendment No. 1 was adopted.

**HB 1919**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 2135 ON SECOND READING**  
**(by Phillips, Hamric, Truitt, Homer, and Woolley)**

**CSHB 2135**, A bill to be entitled An Act relating to the creation of a tourist-oriented directional sign program.

**CSHB 2135** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 2966 ON SECOND READING**  
**(by Seaman)**

**HB 2966**, A bill to be entitled An Act relating to the criminal penalty for violating certain statutes enforceable by, or ordinances, rules, or regulations of, navigation districts or port authorities.

**HB 2966** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 1706 ON SECOND READING**  
**(by Denny, Pitts, Woolley, Nixon, Bohac, et al.)**

**CSHB 1706**, A bill to be entitled An Act relating to requiring a voter to present proof of identification.

(Krusee in the chair)

**Amendment No. 1**

Representative Chavez offered the following amendment to **CSHB 1706**:

Amend **CSHB 1706** as follows:

(1) On page 1, lines 5-6, strike "Subsection (g)" and substitute "Subsections (g) and (h)".

(2) On page 2, between lines 2 and 3, insert the following:

(h) The requirements for identification prescribed by Subsection (b)(1) or (2) do not apply to a voter who:

(1) presents the voter's voter registration certificate on offering to vote;  
and

(2) is 50 years of age or older as indicated by the date of birth on the voter's voter registration certificate.

Representative Denny moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 452): 84 Yeas, 59 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal.

Present, not voting — Mr. Speaker; Krusee(C).

Absent, Excused — Davis, J.; Herrero.

Absent — McClendon; Oliveira; Vo.

## Amendment No. 2

Representative Anchia offered the following amendment to **CSHB 1706**:

Amend **CSHB 1706** as follows:

(1) On page 1, lines 7-13, strike amended Section 63.001(b), Election Code, and substitute the following:

(b) On offering to vote, a voter must present to an election officer at the polling place either:

(1) the voter's voter registration certificate;

(2) one form of identification listed in Section 63.0101(a); or

(3) two different forms of identification listed in Section 63.0101(b) [~~to~~ an election officer at the polling place].

(2) On page 1, lines 18-20, strike amended Section 63.001(d), Election Code, and substitute the following:

(d) If the voter's name is on the precinct list of registered voters, the voter shall be accepted for voting if:

(1) the voter presents the voter's voter registration certificate; or

(2) the voter presents identification required by Subsection (b)(2) or (3)

and executes the affidavit required under Section 63.008(a).

(3) On page 2, line 1, strike "Subsection (b)(1) or (2)" and substitute "Subsection (b)".

(4) On page 2, lines 3-27, and page 3, lines 1-2, strike Sections 2 and 3 of the bill and renumber the remaining sections appropriately.

(5) On page 5, lines 20 and 21, strike "Sections 63.011(a) and (b), Election Code, are amended" and substitute "Section 63.011(a), Election Code, is amended".

(6) On page 6, lines 1-10, strike amended Section 63.011(b), Election Code.

(7) On page 6, lines 11-27, and page 7, lines 1-5, strike Sections 7 and 8 of the bill and renumber the remaining sections appropriately.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

### CSHB 1706 - (consideration continued)

Representative Denny moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 453): 75 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Eissler; Elkins; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Kuempel; Laubenberg; Madden; McCall; Morrison; Nixon; Orr; Otto; Paxton; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Hamilton; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker; Krusee(C).

Absent, Excused — Davis, J.; Herrero.

Absent — Driver; Hamric; Hill; Leibowitz; Merritt; Miller; Mowery; Oliveira; Phillips.

### STATEMENT OF VOTE

When Record No. 453 was taken, my vote failed to register. I would have voted no.

Leibowitz

**Amendment No. 3**

Representative Raymond offered the following amendment to **CSHB 1706**:

Amend **CSHB 1706** on page 3, line 20, between "Department of Public Safety" and "that", by inserting "or the equivalent agency of another state".

Amendment No. 3 was adopted.

**Amendment No. 4**

Representative Strama offered the following amendment to **CSHB 1706**:

Amend **CSHB 1706** on page 4, line 11, by striking "located in Texas".

Amendment No. 4 was adopted.

**Amendment No. 5**

Representative Strama offered the following amendment to **CSHB 1706**:

Amend **CSHB 1706** as follows:

(1) On page 4, line 13, strike "or".

(2) On page 4, line 15, strike the period and substitute "; or".

(3) On page 4, between lines 15 and 16, insert the following:

(8) an identification card issued by a state agency of this state that contains the person's photograph.

Amendment No. 5 was adopted.

(Speaker in the chair)

**Amendment No. 6**

Representative Coleman offered the following amendment to **CSHB 1706**:

Amend **CSHB 1706** as follows:

(1) On page 5, line 20, strike "Sections 63.011(a) and (b), Election Code, are" and substitute "Section 63.011(a), Election Code, is".

(2) On page 6, lines 1-10, strike amended Section 63.011(b).

(3) On page 6, lines 11-27, and page 7, lines 1-5, strike SECTIONS 7 and 8 of the bill, substitute the following appropriately numbered section, and renumber the remaining sections of the bill appropriately:

SECTION \_\_. Section 65.054, Election Code, is amended by adding Subsection (e) to read as follows:

(e) A provisional ballot may not be rejected solely because the voter failed to meet the requirements for identification prescribed by Section 63.001(b)(1) or (2).

Representative Denny moved to table Amendment No. 6.

A record vote was requested.

The motion to table prevailed by (Record 454): 84 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, J.; Herrero.

Absent — Cook, R.; Dutton; Oliveira.

#### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 13).

#### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

#### **CSHB 1706 - (consideration continued)**

##### **Amendment No. 7**

Representative Escobar offered the following amendment to **CSHB 1706**:

Amend **CSHB 1706** as follows:

(1) On page 4, line 13, strike "or".

(2) On page 4, line 15, strike the period and substitute "; or".

(3) On page 4, between lines 15 and 16, insert the following:

(8) an identification card that contains the person's photograph and is issued by a county elections administrator or a county clerk.

(4) On page 5, between lines 19 and 20, insert the following:

(c) The commissioners court of a county may authorize the county elections administrator or the county clerk, as applicable, to issue photo identification cards that may be used as proof of a voter's identification under Subsection (a).

Amendment No. 7 was adopted.

**Amendment No. 8**

Representative Hochberg offered the following amendment to **CSHB 1706**:

Amend **CSHB 1706** as follows:

(1) Strike SECTIONS 7 and 8 of the bill.

(2) Add a new appropriately numbered section to read as follows:

SECTION \_\_. Section 65.054, Election Code, is amended by adding Subsection (e) to read as follows:

(e) A provisional ballot may not be rejected on the basis of the failure of the voter to present proof of identification as described by Section 63.001(b)(1) or (2) unless the board determines that the voter is not the person whom the voter claimed to be in executing an affidavit under Section 63.011.

(3) Renumber the remaining SECTIONS of the bill as appropriate.

Representative Denny moved to table Amendment No. 8.

A record vote was requested.

The motion to table prevailed by (Record 455): 83 Yeas, 62 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, J.; Herrero.

Absent — Keffer, J.; Oliveira.

**Amendment No. 9**

Representative Anchia offered the following amendment to **CSHB 1706**:

Amend **CSHB 1706** on page 7, line 24, by striking "September 1, 2005" and substituting "September 1, 2008".

Representative Denny moved to table Amendment No. 9.

A record vote was requested.

The motion to table prevailed by (Record 456): 81 Yeas, 62 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Hochberg; Hodge; Homer; Hopson; Hughes; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, J.; Herrero.

Absent — Noriega, M.; Oliveira; Phillips; Pickett.

### STATEMENT OF VOTE

When Record No. 456 was taken, I was in the house but away from my desk. I would have voted yes.

Phillips

### Amendment No. 10

Representative Veasey offered the following amendment to **CSHB 1706**:

Amend **CSHB 1706** by adding the following appropriately numbered sections to the bill and renumbering the remaining sections appropriately:

SECTION \_\_\_\_\_. Subchapter C, Chapter 32, Election Code, is amended by adding Section 32.0511 to read as follows:

Sec. 32.0511. TRAINING REQUIRED. A person must complete the training required by Section 32.116 to be eligible to serve as an election judge or clerk.

SECTION \_\_\_\_\_. Section 32.115, Election Code, is amended to read as follows:

Sec. 32.115. SECRETARY OF STATE TO ASSIST IN TRAINING. On request of a county executive committee or a county clerk, as appropriate, the secretary of state shall schedule and provide assistance for the training of election judges and clerks under Section 32.113, ~~[or]~~ 32.114, or 32.116. The secretary may provide similar training assistance to other political subdivisions.

SECTION \_\_. Subchapter F, Chapter 32, Election Code, is amended by adding Section 32.116 to read as follows:

Sec. 32.116. REQUIRED TRAINING FOR ELECTION OFFICERS. The governing body of a political subdivision and the county executive committee of a political party shall provide the election officers serving the polling places on election day with the instruction and training necessary for following the proper procedure for accepting a voter under Chapter 63.

Representative Denny moved to table Amendment No. 10.

A record vote was requested.

The motion to table prevailed by (Record 457): 80 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Cook, B.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, J.; Herrero.

Absent — Chisum; Hegar; Hughes; Keffer, J.; Oliveira; Phillips.

### **Amendment No. 11**

Representatives Chavez and Turner offered the following amendment to **CSHB 1706**:

Amend **CSHB 1706** by adding a new appropriately numbered section to read as follows and renumbering subsequent sections of the bill accordingly:

SECTION \_\_\_\_. Chapter 62, Election Code, is amended by adding Section 62.016 to read as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. The presiding judge shall post in a prominent place on the outside of each polling location a list of the acceptable forms of photographic and non-photographic identification. The list must be printed using a font that is at least 24 point.

#### **Amendment No. 12**

Representatives Alonzo and Chavez offered the following amendment to Amendment No. 11:

Amend the Chavez amendment to **CSHB 1706** as follows:

(1) On line 8, between "location" and "a", insert "notice that a provisional ballot will be provided to a person who executes the appropriate affidavit and".

(2) On line 10, strike the last sentence and substitute the following:

The notice and list must be printed:

(1) in English, Spanish, and any other language appropriate to the precinct in which the polling place is located; and

(2) using a font that is at least 24 point.

Amendment No. 12 was adopted.

Amendment No. 11, as amended, was adopted.

#### **Amendment No. 13**

Representative Hopson offered the following amendment to **CSHB 1706**:

Amend **CSHB 1706** by adding a new appropriately numbered section to read as follows and by renumbering the existing sections as appropriate:

SECTION \_\_. Chapter 63, Election Code, is amended by adding Section 63.0012 to read as follows:

Sec. 63.0012. USE OF ADDRESS ON IDENTIFICATION. (a) This section applies only to a voter who:

(1) presents a registration certificate;

(2) is on the list of registered voters for the precinct; and

(3) confirms the address on the list of registered voters is current under Section 63.0011.

(b) In verifying the identity of a voter described by Subsection (a) under Section 63.001, an election officer may not consider whether the voter's address on a form described by Section 63.001(b)(1) or (2) matches the voter's address on the registration certificate or the list of registered voters.

Amendment No. 13 was adopted.

#### **Amendment No. 14**

Representative Alonzo offered the following amendment to **CSHB 1706**:

Amend **CSHB 1706** by adding the following appropriately numbered section and renumbering the remaining section of the bill as appropriate:

SECTION \_\_. The changes in law made by this Act take effect only if:

(1) the United States District Court for the District of Columbia issues a declaratory judgement under 42 U.S.C. Section 1973c that this Act does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color or in contravention of the guarantees set forth in 42 U.S.C. Section 1973b(f)(2); or

(2) the secretary of state submits this Act to the United States Attorney General under 42 U.S.C. Section 1973c and the attorney general does not interpose an objection within the time provided by that section.

Amendment No. 14 was adopted.

A record vote was requested.

**CSHB 1706**, as amended, was passed to engrossment by (Record 458): 83 Yeas, 63 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Hochberg; Hodge; Homer; Hopson; Jones, D.; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, J.; Herrero.

Absent — Oliveira.

### **CSHB 2070 - VOTE RECONSIDERED**

Representative Rose moved to reconsider the vote by which **CSHB 2070** was passed to engrossment.

The motion to reconsider prevailed.

### **CSHB 2070 ON SECOND READING**

**(by Rose and B. Cook)**

**CSHB 2070**, A bill to be entitled An Act relating to a landowner's liability for injuries incurred during certain recreational activities.

Representative Rose moved to postpone consideration of **CSHB 2070** until 10 a.m. May 6.

The motion prevailed.

**HB 1986 ON SECOND READING**  
(by Solomons)

**HB 1986**, A bill to be entitled An Act relating to the administration and powers of a coordinated county transportation authority.

**Amendment No. 1**

Representative Solomons offered the following amendment to **HB 1986**:

Amend **HB 1986** on page 2, line 18, between "(5)" and "operate", by inserting "acquire, construct, develop, plan, own,".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Solomons offered the following amendment to **HB 1986**:

Amend **HB 1986** by striking SECTION 7 of the bill and renumbering subsequent SECTIONS of the bill as appropriate.

Amendment No. 2 was adopted.

**HB 1986**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Keel, Leibowitz, and Rose recorded voting no.)

**CSHB 2799 ON SECOND READING**  
(by Talton)

**CSHB 2799**, A bill to be entitled An Act relating to the removal of vehicles and property from a roadway in a political subdivision and to the authority of a political subdivision to establish a traffic incident management program.

**Amendment No. 1**

Representative Talton offered the following amendment to **CSHB 2799**:

Amend **CSHB 2799** as follows:

1. On page 6, lines 15-16, delete subsection (i) and insert the following:

(i) In connection with its traffic incident management program, a political subdivision shall not enter into any agreement that would:

(1) monopolize any part of trade or commerce; or

(2) have the effect of lessening competition substantially in any line of trade or commerce.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Hill offered the following amendment to **CSHB 2799**:

Amend **CSHB 2799** by adding the following appropriately numbered sections to the bill and renumbering existing sections accordingly:

SECTION \_\_\_\_\_. Section 683.011(b), Transportation Code, is amended to read as follows:

(b) A law enforcement agency may use agency personnel, equipment, and facilities or contract for other personnel, equipment, and facilities to remove, preserve, ~~and~~ store, ~~send notice regarding, and dispose of~~ an abandoned motor vehicle, watercraft, or outboard motor taken into custody by the agency under this subchapter.

SECTION \_\_\_\_\_. Section 683.031(c), Transportation Code, is amended to read as follows:

(c) The garagekeeper shall report the abandonment of the motor vehicle to a law enforcement agency with jurisdiction where the vehicle is located or to the Department of Public Safety and shall pay a \$10 ~~[\$5]~~ fee to be used by the law enforcement agency for the cost of the notice required by this subchapter or other cost incurred in disposing of the vehicle. A fee paid to the Department of Public Safety shall be used to administer this chapter.

SECTION \_\_\_\_\_. Sections 683.034(a), (b), and (e), Transportation Code, are amended to read as follows:

(a) A law enforcement agency shall take into custody an abandoned vehicle left in a storage facility that has not been claimed in the period provided by the notice under Section 683.012. In this section, a law enforcement agency has custody if the agency:

(1) has physical custody of the vehicle;

(2) has given notice to the storage facility that the law enforcement agency intends to dispose of the vehicle under this section; or

(3) has received a report under Section 683.031(c) and the garagekeeper has met all of the requirements of that subsection.

(b) The law enforcement agency may use the vehicle as authorized by Section 683.016 or sell the vehicle at auction as provided by Section 683.014. If a vehicle is sold, the proceeds of the sale shall first be applied to a garagekeeper's charges for providing notice regarding the vehicle and for service, towing, impoundment, storage, and repair of the vehicle.

(e) If the law enforcement agency does not take the vehicle into custody before the 31st day after the date the vehicle was reported abandoned under Section 683.031 ~~[notice is sent under Section 683.012]:~~

(1) the law enforcement agency may not take the vehicle into custody; and

(2) the storage facility may dispose of the vehicle under:

(A) Chapter 70, Property Code, except that notice under Section 683.012 satisfies the notice requirements of that chapter; or

(B) Chapter 2303, Occupations Code, if [±

~~(i)~~ the storage facility is a vehicle storage facility ~~[-and~~

~~(ii) the vehicle is an abandoned nuisance vehicle].~~

SECTION \_\_\_\_\_. Section 685.004, Transportation Code, is amended to read as follows:

Sec. 685.004. JURISDICTION. ~~[(a)]~~ A hearing under this chapter shall be in the justice court having jurisdiction in the precinct in which the vehicle storage facility is located ~~[is before the justice of the peace or a magistrate in whose jurisdiction is the location from which the vehicle was removed, except as provided by Subsection (b)].~~

~~[(b) In a municipality with a population of 1.9 million or more, a hearing under this chapter is before a judge of a municipal court in whose jurisdiction is the location from which the vehicle was removed.]~~

SECTION \_\_\_\_. Section 685.006, Transportation Code, is amended to read as follows:

Sec. 685.006. CONTENTS OF NOTICE. ~~[(a)]~~ The notice under Section 685.005 must include:

(1) a statement of:

(A) the person's right to submit a request within 14 days for a court hearing to determine whether probable cause existed to remove the vehicle;

(B) the information that a request for a hearing must contain; and

(C) any filing fee for the hearing;

(2) the name, address, and telephone number of the towing company that removed the vehicle;

(3) the name, address, and telephone number of the vehicle storage facility in which the vehicle was placed; ~~and]~~

(4) the name, address, and telephone number of the person, property owner, or law enforcement agency that authorized the removal of the vehicle; and

(5) the name, address, and telephone number of the justice court having jurisdiction in the precinct in which the vehicle storage facility is located ~~[one or more of the appropriate magistrates as determined under Subsection (b)].~~

~~[(b) The notice must include the name, address, and telephone number of:~~

~~[(1) the municipal court of the municipality, if the towing company that removed the vehicle or the vehicle storage facility in which the vehicle was placed is located in a municipality; or~~

~~[(2) the justice of the peace of the precinct in which the towing company or the vehicle storage facility is located, if the towing company that removed the vehicle or the vehicle storage facility in which the vehicle was placed is not located in a municipality.]~~

SECTION \_\_\_\_. Section 685.008, Transportation Code, is amended to read as follows:

Sec. 685.008. FILING FEE AUTHORIZED. The court may charge a filing fee of \$20 ~~[\$10]~~ for a hearing under this chapter.

SECTION \_\_\_\_. Section 685.009, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) A hearing under this chapter shall be held before the 10th ~~[seventh]~~ working day after the date the court receives the request for the hearing.

(b) The court shall notify the person who requested the hearing and the person or law enforcement agency that authorized the removal of the vehicle of the date, time, and place of the hearing by registered or certified mail. The notice of the hearing to the person or law enforcement agency that authorized the removal of the vehicle shall include a copy of the request for hearing.

(b-1) At a hearing under this section:

(1) the burden of proof is on the person who requested the hearing; and  
(2) hearsay evidence is admissible if it is considered otherwise reliable by the justice of the peace.

SECTION \_\_\_\_ . Chapter 685, Transportation Code, is amended by adding Section 685.010 to read as follows:

Sec. 685.010. APPEAL. An appeal from a hearing under this chapter is governed by the rules of procedure applicable to civil cases in justice court, except that no appeal bond may be required by the court.

SECTION \_\_\_\_ . Section 2303.152(a), Occupations Code, is amended to read as follows:

(a) Notice to the registered owner and the primary lienholder of a vehicle towed to a vehicle storage facility may be provided by publication in a newspaper of general circulation in the county in which the vehicle is stored if:

(1) the vehicle is registered in another state;  
(2) the operator of the storage facility submits to the governmental entity with which the vehicle is registered a written request for information relating to the identity of the registered owner and any lienholder of record;  
(3) the identity of the registered owner cannot be determined;  
(4) the registration does not contain an address for the registered owner;

or [and]

(5) the operator of the storage facility cannot reasonably determine the identity and address of each lienholder.

SECTION \_\_\_\_ . Section 2303.154, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If a vehicle is not claimed by a person permitted to claim the vehicle before the 10th day after the date notice is mailed or published under Section 2303.151 or 2303.152, the operator of the vehicle storage facility shall consider the vehicle to be abandoned and send notice of abandonment to a law enforcement agency under Chapter 683, Transportation Code.

SECTION \_\_\_\_ . Section 2303.155(f), Occupations Code, is amended to read as follows:

(f) The operator of a vehicle storage facility or governmental vehicle storage facility may not charge any [an] additional fee related to storage of the vehicle other than those fees set forth in this section or towing fees allowed under Chapter 643, Transportation Code ~~[that is similar to a notification, impoundment, or administrative fee].~~

SECTION \_\_\_\_ . Section 101.141(a), Government Code, is amended to read as follows:

(a) A clerk of a justice court shall collect fees and costs as follows:

(1) additional court cost in certain civil cases to establish and maintain an alternative dispute resolution system, if authorized by the commissioners court of a county with a population of at least 2.5 million (Sec. 152.005, Civil Practice and Remedies Code) . . . not to exceed \$3;

(2) additional filing fees:

(A) to fund Dallas County civil court facilities (Sec. 51.705, Government Code) . . . not more than \$15; and

(B) for filing any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee, to fund civil legal services for the indigent (Sec. 133.153, Local Government Code) . . . \$2;

(3) for filing a suit in Comal County (Sec. 152.0522, Human Resources Code) . . . \$1.50; and

(4) fee for hearing on probable cause for removal of a vehicle and placement in a storage facility if assessed by the court (Sec. 685.008, Transportation Code) . . . \$20 [~~\$10~~].

SECTION \_\_\_\_. Section 101.161, Government Code, is amended to read as follows:

Sec. 101.161. MUNICIPAL COURT FEES AND COSTS. The clerk of a municipal court may collect a fee for a hearing on probable cause for removal of a vehicle and placement in a storage facility if assessed by the court (Sec. 685.008, Transportation Code) . . . \$20 [~~\$10~~].

SECTION \_\_\_\_. Section 101.181, Government Code, is amended to read as follows:

Sec. 101.181. MUNICIPAL COURTS OF RECORD FEES AND COSTS. The clerk of a municipal court of record shall collect the following fees and costs:

(1) from an appellant, a transcript preparation fee (Sec. 30.00014, Government Code) . . . \$25; and

(2) from an appellant in the City of El Paso, an appellate court docket fee (Sec. 30.00147, Government Code) . . . \$25[~~;~~ and

~~[(3) fee for hearing on probable cause for removal of a vehicle and placement in a storage facility if assessed by the court (Sec. 685.008, Transportation Code) . . . \$10].~~

SECTION \_\_\_\_. The changes in law made by this Act to Chapters 683 and 685, Transportation Code, Chapter 2303, Occupations Code, and Chapter 101, Government Code, take effect September 1, 2005, and apply only to a removal or seizure of a vehicle that occurs on or after that date. The removal or seizure of a vehicle before September 1, 2005, is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

Amendment No. 2 was adopted.

### Amendment No. 3

Representative Thompson offered the following amendment to **CSHB 2799**:

Amend **CSHB 2799** on page 6, between lines 16 and 17, insert the following:

(j) A political subdivision may not enter into an agreement under Subsection (c) exclusively with one towing company.

Amendment No. 3 was adopted.

**CSHB 2799**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**GENERAL STATE CALENDAR  
SENATE BILLS  
SECOND READING**

The following bills were laid before the house and read second time:

**SB 571 ON SECOND READING  
(Homer - House Sponsor)**

**SB 571**, A bill to be entitled An Act relating to the hours of sale and consumption of wine at a winery.

**Amendment No. 1**

Representative Laubenberg offered the following amendment to **SB 571**:

Amend **SB 571** by adding the following appropriately numbered section to the bill and renumbering the subsequent sections as appropriate:

SECTION \_\_\_\_ . Section 16.011, Alcoholic Beverage Code, is amended to read as follows:

Sec. 16.011. PREMISES IN DRY AREA. (a) A winery permit may be issued for premises in an area in which the sale of wine has not been authorized by a local option election. A holder of a permit under this section may engage in any activity authorized under Section 16.01 except that the permit holder may sell or dispense wine under that section only if the wine is:

(1) manufactured in this state; and

(2) at least 50 [~~75~~] percent by volume fermented juice of grapes or other fruit grown in this state.

(b) The commissioner of agriculture may reduce the percentage by volume of fermented juice of grapes or other fruit grown in this state that wine must contain under this section if the commissioner determines, after notice and a hearing, that the availability and condition of those crops grown in this state justify the reduction.

Amendment No. 1 was withdrawn.

**SB 571** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Bohac, B. Brown, Crabb, Harper-Brown, Howard, Jackson, B. Keffer, Miller, Talton, and Wong recorded voting no.)

**HB 3179 - RECOMMITTED**

Representative P. King moved to recommit **HB 3179** to the Committee on Regulated Industries.

The motion prevailed.

**COMMITTEES GRANTED PERMISSION TO MEET**

Representative P. King requested permission for the Committee on Regulated Industries to meet while the house is in session, during bill referral, in E2.018, for a formal meeting, to consider **HB 3179** and pending business.

Permission to meet was granted.

Representative Woolley requested permission for the Committee on Calendars to meet while the house is in session, during bill referral today, in 3W.9, for a formal meeting, to consider the calendar.

Permission to meet was granted.

Representative Solomons requested permission for the Committee on Financial Institutions to meet while the house is in session, during bill referral, in E2.012, for a formal meeting, to consider **SB 988**.

Permission to meet was granted.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Talton moved to suspend the five day posting rule to allow the Committee on Urban Affairs to consider **SB 879** and other previously posted bills during the regular committee hearing tomorrow.

The motion prevailed.

Representative Keel moved to suspend the five day posting rule and all necessary rules to allow the Committee on Criminal Jurisprudence, Subcommittee on Procedure, to consider **HB 1245**, **HB 2502**, and **HB 2504** at 2 p.m. or upon adjournment May 4 in E2.010.

The motion prevailed.

Representative Smithee moved to suspend the five day posting rule and all necessary rules to allow the Committee on Insurance to consider **HB 3039** upon adjournment today in E2.026.

The motion prevailed.

Representative Grusendorf moved to suspend the five day posting rule to allow the Committee on Public Education to consider **HB 451** on Tuesday, May 3.

The motion prevailed.

Representative Delisi moved to suspend the five day posting rule to allow the Committee on Public Health to consider **HB 122** at the previously posted hearing on Wednesday, May 4.

The motion prevailed.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Corrections, upon final adjournment today, Desk 50, for a formal meeting, to consider pending legislation.

Licensing and Administrative Procedures, upon final adjournment today, Desk 99, for a formal meeting, to consider **HB 1649**.

Regulated Industries, during bill referral today, E2.018, for a formal meeting, to consider **HB 3179** and pending business.

Urban Affairs, 8 a.m. tomorrow, E1.026, for a public hearing, to consider **SB 879** and previously posted bills.

Calendars, during bill referral today, 3W.9, for a formal meeting, to consider the calendar.

Public Education, 2 p.m. or upon final adjournment tomorrow, E2.036, for a public hearing, to consider **HB 451** and posted bills.

Financial Institutions, during bill referral today, E2.012, for a formal meeting, to consider **SB 988**.

Land and Resource Management, upon adjournment today, Desk 74, for a formal meeting, to consider **HB 2833** and pending business.

Juvenile Justice and Family Issues, upon final adjournment today, Desk 115, for a formal meeting, to consider pending business.

### PROVIDING FOR ADJOURNMENT

Representative Harper-Brown moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

### BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Geren in the chair)

### ADJOURNMENT

In accordance with a previous motion, the house, at 5:24 p.m., adjourned until 10 a.m. tomorrow.

---

**ADDENDUM**

---

**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HB 3578** (By Hegar), Relating to the creation of the Fort Bend County Municipal Utility District No. 178; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

**HB 3579** (By Hegar), Relating to the creation of the Fort Bend County Municipal Utility District No. 182; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

**HB 3580** (By Hegar), Relating to the creation of the Fort Bend County Municipal Utility District No. 181; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

**HB 3581** (By Taylor), Relating to the creation of the Dickinson Management District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.

To Urban Affairs.

**HB 3582** (By B. Brown), Relating to the Kingsborough Municipal Utility District Nos. 1, 2, 3, 4, and 5 of Kaufman County.

To Natural Resources.

**HB 3583** (By Van Arsdale), Relating to the creation of the Harris County Municipal Utility District No. 464; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

**HB 3584** (By Van Arsdale), Relating to the creation of the Harris County Municipal Utility District No. 465; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

**HB 3585** (By Laubenberg), Relating to the validation, annexation, powers, and duties of the Parker Creek Municipal Utility District of Rockwall County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

**HB 3586** (By Krusee), Relating to the creation of the Williamson County Municipal Utility District No. 22; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

**HCR 1** (By McClendon, Hamric, and Krusee), Memorializing Congress to eliminate the Medicaid Estate Recovery Program.

To Public Health.

**HCR 2** (By Craddick), In memory of U.S. Army Sergeant Brian Baker.

To Rules and Resolutions.

**HCR 5** (By Alonzo), Honoring the Texas Dental Association and Texas Dentists for Healthy Smiles for providing access to dental care to Texans in need through the Texas Mission of Mercy.

To Rules and Resolutions.

**HCR 6** (By Truitt), Designating January 17, 2006, as 112th Cavalry Day on the 60th anniversary of the group's deactivation.

To Rules and Resolutions.

**HCR 7** (By R. Cook, Chisum, McReynolds, Hardcastle, and Casteel), Memorializing Congress to preserve the community development block grant program and its funding at the U.S. Department of Housing and Urban Development.

To Urban Affairs.

**HCR 150** (By Baxter), Designating July 1, 2005, as Leukemia and Lymphoma Awareness Day in Texas and congratulating the Leukemia and Lymphoma Society on the establishment of its Central Texas chapter.

To Rules and Resolutions.

**HCR 156** (By Nixon, Hochberg, Naishtat, and Straus), Commemorating Holocaust Remembrance Day on May 9, 2005.

To Rules and Resolutions.

**HCR 157** (By Hilderbran), Directing the Texas Building and Procurement Commission to have a Texas Youth Commission facility in San Saba County named after John Shero.

To State Affairs.

**HCR 158** (By Hupp), Honoring Lampasas County on the occasion of its 150th anniversary.

To Rules and Resolutions.

**HCR 159** (By P. King), Welcoming the World Congress on Information Technology to Austin in May 2006.

To Rules and Resolutions.

**HR 1333** (By Keel), Honoring Vivian Leigh Lewis of Austin for 30 years of service as a social worker.

To Rules and Resolutions.

**HR 1338** (By Hughes), Commending Brother James Renfro, Sr., for his 50 years of service as a minister.

To Rules and Resolutions.

**HR 1339** (By Hughes), Honoring Karla Tate Doss on her retirement from the U.S. District Clerk's Office for the Eastern District of Texas, Marshall Division.

To Rules and Resolutions.

**HR 1340** (By Hughes), In memory of Dr. William Howard Wisner of Mineola.

To Rules and Resolutions.

**HR 1341** (By Hopson), Honoring Lauren Pierce on being named the 2005 Cherokee County Junior Livestock Show Queen.

To Rules and Resolutions.

**HR 1342** (By Hopson), Honoring Kyle Stacy of Jacksonville for his heroism.

To Rules and Resolutions.

**HR 1343** (By Hopson), Honoring Faith Smith of Jacksonville for her heroism.

To Rules and Resolutions.

**HR 1347** (By F. Brown, Dukes, et al.), Honoring the students from the Texas A&M Public Policy Internship Program on their service throughout the 79th Legislature.

To Rules and Resolutions.

**HR 1350** (By Alonzo), Honoring John Parker of Dallas on the occasion of his retirement from Sunset High School.

To Rules and Resolutions.

**HR 1351** (By Alonzo), Recognizing the Grand Prairie Cinco de Mayo Celebration.

To Rules and Resolutions.

**HR 1352** (By Alonzo), Commemorating Cinco de Mayo, 2005.

To Rules and Resolutions.

**HR 1354** (By Martinez), Honoring Enrique Gonzales on his retirement as assistant chief of the Weslaco Police Department.

To Rules and Resolutions.

**HR 1356** (By Gattis), Congratulating L. C. Richards of Rockdale on being named the 10,000th Professional Miner.

To Rules and Resolutions.

**HR 1358** (By Bonnen), Honoring Jeffrey Effenberger of Sweeny on his receipt of the 2004 Rural Heroism Award from the Texas Department of Agriculture.

To Rules and Resolutions.

**HR 1359** (By Eissler), In memory of Virgil Dugan of Tomball.

To Rules and Resolutions.

**HR 1360** (By Hopson), Honoring Larry Morgan on his service to the Jacksonville community as president of the city's chamber of commerce and chief executive officer of economic development.

To Rules and Resolutions.

**HR 1361** (By Hopson), In memory of Eleanor Helen Liebscher Nau of Austin.

To Rules and Resolutions.

**HR 1362** (By Hopson), Commemorating the 50th anniversary of the David Crockett Chapter of the Daughters of the Republic of Texas on May 5, 2005.

To Rules and Resolutions.

**HR 1363** (By Farabee), Honoring Lila Arnold of Jefferson Elementary on being named the Wichita Falls Independent School District Teacher of the Year for 2005.

To Rules and Resolutions.

**HR 1364** (By T. King), In memory of Senior Patrol Agent Travis Wayne Attaway of the U.S. Border Patrol.

To Rules and Resolutions.

**HR 1365** (By T. King), In memory of Senior Patrol Agent Jeremy Wilson of the U.S. Border Patrol.

To Rules and Resolutions.

**HR 1367** (By Miller), Honoring the United States Army III Corps for its long history of valiant service to this nation.

To Rules and Resolutions.

**HR 1369** (By Hunter, Solis, Griggs, McReynolds, and Laney), Honoring Bobby Morrow on the golden anniversary of his three gold medal victories in the Olympic Games in Melbourne, Australia.

To Rules and Resolutions.

**HR 1370** (By Bailey), In memory of Joe Grady Moore, Jr., of Austin.

To Rules and Resolutions.

**HR 1371** (By Giddings), Commending Alaa Yousef of DeSoto for earning a 2004-2005 Girl Scout Gold Award.

To Rules and Resolutions.

**HR 1374** (By Escobar), In memory of Dr. Joseph Montgomery-Davis of Raymondville.

To Rules and Resolutions.

**HR 1375** (By R. Cook), In memory of Ronald Lee Kellett of Rockport.

To Rules and Resolutions.

**HR 1376** (By Grusendorf), Commending the Texas Education Agency and the Ministry of Education in Spain.

To Rules and Resolutions.

**HR 1378** (By Frost), Congratulating Becky Pierce on being named the Texas Nursing Student of the Year.

To Rules and Resolutions.

**HR 1380** (By Quintanilla), In memory of Mary Alice Province of Horizon City.

To Rules and Resolutions.

**HR 1381** (By Quintanilla), In memory of Christopher Angel Reyes of Fabens.

To Rules and Resolutions.

**HR 1382** (By Quintanilla), In memory of Ramon Gutierrez.

To Rules and Resolutions.

**HR 1383** (By Quintanilla), In memory of Louie Manuel Lara of El Paso.

To Rules and Resolutions.

**HR 1384** (By Quintanilla), In memory of Rosario Parada of San Elizario.

To Rules and Resolutions.

**HR 1385** (By Quintanilla), In memory of Margarita C. Godoy of San Elizario.

To Rules and Resolutions.

**HR 1386** (By Quintanilla), In memory of Jose Guadalupe Payan of El Paso.

To Rules and Resolutions.

**HR 1387** (By Quintanilla), In memory of Frank "Topi" Rodriguez of Fabens.

To Rules and Resolutions.

**HR 1388** (By Uresti), Recognizing the Texas recipients of the Medal of Honor and the Family and Friends of the Congressional Medal of Honor.

To Rules and Resolutions.

**HR 1389** (By Wong), In memory of Tena Loverde Ferrara of Houston.

To Rules and Resolutions.

**HR 1390** (By Wong), In memory of Carl Albert Munson, Jr., of Georgetown and Houston.

To Rules and Resolutions.

**HR 1391** (By Raymond), Recognizing District Attorney Joe Rubio for his outstanding service to Laredo.

To Rules and Resolutions.

**HR 1392** (By Flynn), Honoring the Sand Flat and Richland Schools in Rains County on the occasion of the May 7, 2005, reunion of former students, teachers, parents, and friends.

To Rules and Resolutions.

**HR 1393** (By Flynn), Honoring John and Mary Peden of Van on the occasion of their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1394** (By Flynn), Congratulating the Texas A&M–Commerce Lions basketball team on its outstanding season.

To Rules and Resolutions.

**HR 1395** (By Giddings), Congratulating William T. Solomon on his receipt of the 76th Annual Linz Award.

To Rules and Resolutions.

**HR 1396** (By Bohac), In memory of Athalene M. Griffin.

To Rules and Resolutions.

**HR 1397** (By Solomons), Recognizing October 31–November 4, 2005, and November 6–10, 2006, as Municipal Courts Week in Texas.

To Rules and Resolutions.

**HR 1398** (By Craddick), Honoring Arvin and Betty Kilpatrick of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1399** (By Craddick), Congratulating Rachel and Gene Abbott of Midland on their 55th wedding anniversary.

To Rules and Resolutions.

**HR 1400** (By Wong), Honoring the birth of Natalie Caitlin Gee to Andy and Cindy Gee of Houston.

To Rules and Resolutions.

**HR 1402** (By Krusee), In memory of Jerry Leroy Mehevec of Taylor.

To Rules and Resolutions.

**HR 1403** (By Gonzales), In memory of Jeffry Forrest Fitch of McAllen.

To Rules and Resolutions.

**HR 1404** (By Castro), Honoring Master Sergeant Janet M. Schwanke of San Antonio on the occasion of her retirement from the United States Air Force.

To Rules and Resolutions.

**HR 1405** (By Naishtat), In memory of Jesse Chambers of Austin.

To Rules and Resolutions.

**HR 1406** (By Naishtat), Recognizing May 4, 2005, as Children's Mental Health Summit Day in Central Texas.

To Rules and Resolutions.

**HR 1407** (By Naishtat), Commending Pillow Elementary School on being named a national Blue Ribbon School.

To Rules and Resolutions.

**HR 1408** (By McClendon), Celebrating the 70th birthday of Josephine Elois Davis Hadley of San Antonio.

To Rules and Resolutions.

**HR 1409** (By Martinez), Honoring U.S. Army First Sergeant Leonel Garcia, Jr., of Mercedes for his service to his country.

To Rules and Resolutions.

**HR 1411** (By Driver), Honoring Officer Bobby Jenkins of the Rowlett Police Department for his heroism.

To Rules and Resolutions.

**HR 1412** (By Strama), Honoring public employees during Public Service Recognition Week, May 2-8, 2005.

To Rules and Resolutions.

**HR 1414** (By Quintanilla), In memory of Jose Maria Zambrano of El Paso.

To Rules and Resolutions.

**HR 1415** (By Y. Davis), Honoring Ola Mae Archie Williams of Dallas on her recognition as a Godly Woman—Living Legacy by the Women and Girls' Conference of the Missionary Baptist General Convention of Texas.

To Rules and Resolutions.

**HR 1416** (By Dutton), Honoring Arthur C. Lilly of Houston for his accomplishments as an educator and community leader.

To Rules and Resolutions.

**HR 1417** (By Dutton), Congratulating Houston Style Magazine on the occasion of its Thirty Under 30 party celebrating the magazine's 15th anniversary.

To Rules and Resolutions.

**HR 1420** (By Grusendorf), Recognizing J. Mathew "Matt" Ross of Garland for his service to Representative Kent Grusendorf during the 79th Legislative Session.

To Rules and Resolutions.

**HR 1421** (By Grusendorf), Recognizing Daniel "Danny" E. Gonzalez of Cypress for his service to Representative Kent Grusendorf during the 79th Legislative Session.

To Rules and Resolutions.

**HR 1422** (By Grusendorf), Recognizing Alexandra "Alex" Kier of Arlington for her service to Representative Kent Grusendorf during the 79th Legislative Session.

To Rules and Resolutions.

**HR 1423** (By Grusendorf), Recognizing Christine Olivia Nguyen of Houston for her service to Representative Kent Grusendorf during the 79th Legislative Session.

To Rules and Resolutions.

**HR 1424** (By Grusendorf), Recognizing Berkley Barnes Scroggins of Fredricksburg for his service to Representative Kent Grusendorf during the 79th Legislative Session.

To Rules and Resolutions.

**HR 1425** (By Grusendorf), Recognizing Margaret "Meg" Clifford of Austin for her service to Representative Kent Grusendorf during the 79th Legislative Session.

To Rules and Resolutions.

**HR 1426** (By Grusendorf), Recognizing Doug Williams for his service to Representative Kent Grusendorf during the 79th Legislative Session.

To Rules and Resolutions.

**HR 1427** (By Baxter), Honoring the fifth-grade teachers at Cedar Creek Elementary School in Austin.

To Rules and Resolutions.

**SB 15** to Civil Practices.

**SB 39** to Higher Education.

**SB 66** to Law Enforcement.

**SB 93** to Environmental Regulation.

**SB 99** to Business and Industry.

**SB 100** to Business and Industry.

**SB 132** to Higher Education.

**SB 151** to Higher Education.

**SB 247** to Public Health.

**SB 330** to Public Health.

**SB 343** to Natural Resources.

**SB 362** to Business and Industry.

**SB 411** to Government Reform.

**SB 419** to Public Health.

**SB 440** to Criminal Jurisprudence.

**SB 444** to Business and Industry.

**SB 448** to Higher Education.

**SB 449** to Insurance.

**SB 465** to Human Services.

**SB 474** to Public Education.

**SB 532** to Higher Education.

**SB 533** to Regulated Industries.

**SB 567** to Ways and Means.

**SB 601** to Public Health.

**SB 629** to Business and Industry.

**SB 684** to Border and International Affairs.

- SB 737 to Transportation.
- SB 784 to Border and International Affairs.
- SB 785 to Environmental Regulation.
- SB 788 to Economic Development.
- SB 809 to State Affairs.
- SB 825 to Government Reform.
- SB 867 to Ways and Means.
- SB 896 to Elections.
- SB 912 to Corrections.
- SB 920 to Economic Development.
- SB 927 to Higher Education.
- SB 928 to Higher Education.
- SB 929 to Higher Education.
- SB 957 to Licensing and Administrative Procedures.
- SB 962 to Public Education.
- SB 967 to Natural Resources.
- SB 982 to Government Reform.
- SB 998 to Economic Development.
- SB 1000 to Public Health.
- SB 1005 to Criminal Jurisprudence.
- SB 1011 to Elections.
- SB 1013 to County Affairs.
- SB 1022 to Urban Affairs.
- SB 1026 to County Affairs.
- SB 1027 to County Affairs.
- SB 1045 to Natural Resources.
- SB 1055 to Human Services.
- SB 1063 to Natural Resources.
- SB 1064 to Natural Resources.
- SB 1081 to State Affairs.
- SB 1096 to Economic Development.
- SB 1113 to Public Health.
- SB 1118 to Higher Education.
- SB 1125 to Criminal Jurisprudence.

**SB 1130** to Energy Resources.  
**SB 1133** to State Affairs.  
**SB 1139** to Government Reform.  
**SB 1143** to Financial Institutions.  
**SB 1153** to Juvenile Justice and Family Issues.  
**SB 1173** to Financial Institutions.  
**SB 1185** to Higher Education.  
**SB 1186** to Business and Industry.  
**SB 1188** to Public Health.  
**SB 1189** to Judiciary.  
**SB 1192** to Culture, Recreation, and Tourism.  
**SB 1193** to Higher Education.  
**SB 1195** to Law Enforcement.  
**SB 1205** to Local Government Ways and Means.  
**SB 1226** to Higher Education.  
**SB 1229** to Economic Development.  
**SB 1230** to Economic Development.  
**SB 1238** to Public Health.  
**SB 1239** to Public Health.  
**SB 1247** to Higher Education.  
**SB 1250** to Appropriations.  
**SB 1255** to Licensing and Administrative Procedures.  
**SB 1271** to Culture, Recreation, and Tourism.  
**SB 1273** to Land and Resource Management.  
**SB 1281** to Environmental Regulation.  
**SB 1282** to Insurance.  
**SB 1307** to Juvenile Justice and Family Issues.  
**SB 1318** to Local Government Ways and Means.  
**SB 1323** to Insurance.  
**SB 1328** to Public Health.  
**SB 1331** to Licensing and Administrative Procedures.  
**SB 1336** to Transportation.  
**SB 1340** to Public Health.  
**SB 1341** to Urban Affairs.

**SB 1354** to Environmental Regulation.  
**SB 1374** to Public Education.  
**SB 1393** to Public Education.  
**SB 1395** to Public Education.  
**SB 1408** to Economic Development.  
**SB 1425** to Judiciary.  
**SB 1428** to Agriculture and Livestock.  
**SB 1434** to Local Government Ways and Means.  
**SB 1436** to County Affairs.  
**SB 1446** to Public Education.  
**SB 1448** to Insurance.  
**SB 1454** to Licensing and Administrative Procedures.  
**SB 1455** to Land and Resource Management.  
**SB 1457** to Urban Affairs.  
**SB 1459** to Judiciary.  
**SB 1461** to Law Enforcement.  
**SB 1464** to Regulated Industries.  
**SB 1465** to Public Health.  
**SB 1471** to Licensing and Administrative Procedures.  
**SB 1472** to Licensing and Administrative Procedures.  
**SB 1473** to Law Enforcement.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 34**

**HCR 3**

**Senate List No. 13**

**SB 129, SB 177, SB 407, SB 541, SB 574, SB 692, SB 693, SB 766, SB 796, SB 1342, SCR 20, SCR 26, SCR 28**

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Monday, May 2, 2005

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 762** Nixon SPONSOR: Ellis  
Relating to the solicitation by state officers and employees of and recommendations regarding contributions to charitable organizations and governmental entities.  
(AMENDED)

**HCR 148** Krusee SPONSOR: Wentworth  
Designating the Texas Round-Up 10K as the Official 10K of Texas.

**SB 3** Armbrister  
Relating to the development and management of the water resources of the state, including the creation of a groundwater conservation district; imposing fees and providing penalties.

**SB 31** Zaffirini  
Relating to the creation of a work-study student mentorship program at certain institutions of higher education and to certain student financial aid program requirements.

**SB 121** Duncan  
Relating to a requestor's right of access to investment information of governmental bodies.

**SB 179** Wentworth  
Relating to retirement benefits for visiting judges.

**SB 190** Zaffirini  
Relating to the operation of the Texas School for the Deaf.

**SB 305** Armbrister  
Relating to the licensing and regulation of glass technicians; providing administrative penalties.

**SB 674** West, Royce  
Relating to limiting the use of customers' social security numbers by persons; providing a civil penalty.

**SB 728** Wentworth  
Relating to the liability of certain entities that enter agreements with a metropolitan rapid transit authority.

**SB 990** Janek  
Relating to a training and examination program on sexual abuse and child molestation for certain persons who work at youth camps.

**SB 1050** Van de Putte  
Relating to the promotional system for municipal civil service fire fighters.

**SB 1102** Jackson, Mike  
Relating to the establishment of a program by the Department of Agriculture to make grants to farmers and diverters who provide agricultural biomass to facilities that convert biomass to electrical energy.

**SB 1302** Seliger  
Relating to the Ector County Hospital District.

**SB 1311** Hinojosa  
Relating to the establishment of an off-highway vehicle trail and recreational area program; providing a penalty.

**SB 1410** Lucio  
Relating to the appointment of attorneys ad litem.

**SB 1748** Fraser  
Relating to the development and provision of broadband over electric delivery systems and the development of enhanced electric delivery systems.

**SB 1850** Gallegos  
Relating to the regulation of certain businesses that sell beer or beer and wine in certain counties; providing an administrative penalty.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 407** (29 Yeas, 0 Nays)

**SB 574** (28 Yeas, 1 Nay)

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Monday, May 2, 2005 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas  
Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 136**                                      Kuempel                                      SPONSOR: Wentworth  
Designating May 2005 as Texas Natural Resources Month.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Monday, May 2, 2005 - 3

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 965**                                      Haggerty                                      SPONSOR: Jackson  
Relating to a prohibition on the regulation of emissions from certain residential water heaters.  
(AMENDED)

Respectfully,  
Patsy Spaw  
Secretary of the Senate

---

## APPENDIX

---

### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**April 29**

Agriculture and Livestock - **SB 248, SB 1137**

Border and International Affairs - **HB 3426**

Business and Industry - **SB 446**

Civil Practices - **SB 334**

County Affairs - **HB 2848**

Criminal Jurisprudence - **HB 489**

Defense Affairs and State-Federal Relations - **HB 1853, HB 3302**

Economic Development - **HB 558, HB 2122, HB 2716**

Elections - **HB 1268, HB 1270, HB 2151, HB 2339**

Energy Resources - **HB 1816**

Environmental Regulation - **HB 580, HB 1821, SB 1297**

Higher Education - **HB 487, HB 530, HB 609, HB 776, HB 1102**

Human Services - **HB 2188, HB 2572, HB 3327, SB 46**

Insurance - **HB 407, HB 1532, HB 1744, HB 1892, SB 155, SB 500**

Judiciary - **HB 1472, SB 241**

Juvenile Justice and Family Issues - **HB 209, HB 401, HB 1120, HB 1449, HB 2099, HB 3045**

Law Enforcement - **HB 582, HB 1583, HB 3140**

Natural Resources - **HB 2431, HB 2432, HB 2639, HB 2914, HB 2916, HB 3478, HB 3487, HB 3509, HB 3512, HB 3520, HB 3527, SB 839**

Pensions and Investments - **HB 1474, HB 2945, HB 3125, HB 3169, SB 310, SB 522**

Public Education - **HB 11, HB 661, HB 902, HB 1111, HB 1826, HB 3297**

Public Health - **SB 424, SB 1211**

Regulated Industries - **HB 3179**

State Affairs - **HB 1212, HB 1330, HB 2698, HB 2699**

Transportation - **HB 1885, HB 1988, HB 2496, HB 3465, SB 573, SB 619**

#### ENGROSSED

**April 29 - HB 161, HB 261, HB 312, HB 381, HB 505, HB 525, HB 616, HB 703, HB 788, HB 831, HB 841, HB 853, HB 857, HB 868, HB 877, HB 989, HB 1244, HB 1274, HB 1345, HB 1398, HB 1403, HB 1409, HB 1455, HB 1508, HB 1589, HB 1606, HB 1647, HB 1653, HB 1659, HB 1893, HB 2037, HB 2045, HB 2068, HB 2069, HB 2223, HB 2293, HB 2322, HB 2374, HB 2414, HB 2466, HB 2491, HB 2511, HB 2574, HB 2622, HB 2671, HB 2677, HB 2746, HB 2806, HB 2807, HB 2900, HB 2918, HB 3113, HB 3163, HB 3227, HB 3262, HB 3263, HB 3469, HB 3485**

#### ENROLLED

**April 29 - HB 67, HB 423, HB 1657, HB 1815**

**SIGNED BY THE GOVERNOR**

**April 29 - HCR 10, HCR 141, HCR 142**

